

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of Amendment of)
Part 95 of the Commission's) WT Docket No. 95-47
Rules to Allow IVDS Licensees)
to Provide Mobile Services)
to Subscribers)

**REPLY COMMENTS OF THE ASSOCIATION
FOR MAXIMUM SERVICE TELEVISION, INC.**

The Association for Maximum Service Television, Inc. ("MSTV") hereby files reply comments in response to the Notice of Proposed Rulemaking, WT Docket No. 95-47, released in the above-captioned docket on May 5, 1995 (the "Notice").^{1/}

INTRODUCTION

In the Notice, the Commission proposes rules to allow IVDS licensees to provide ancillary mobile services to fixed service subscribers within their service area. Specifically, the Commission seeks comment on whether all response transmitter units ("RTUs"), both fixed and mobile, should be subject to a 100 milliwatt effective radiated power ("ERP") limit, a 5-seconds-per-hour duty cycle limitation for mobile RTUs, and whether any restrictions should be placed on the types of ancillary mobile services that IVDS licensees would be permitted to offer. Notice, at ¶¶ 8-10.

^{1/} MSTV is a non-profit trade association of local broadcast television stations committed to achieving and maintaining the highest technical quality for the public's local broadcast service.

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The Commission also proposes to prohibit direct RTU-to-RTU transmissions and mobile services only, such as paging or dispatch services. The Commission states that "the primary use of the IVDS system . . . must be to provide subscribers at fixed locations with the capability to interact with video, data or other service providers." Id. at ¶¶ 8, 10.

In its initial comments, MSTV supported the Commission's proposal to allow mobile IVDS subject to the critical safeguards announced by the Commission. The duty cycle and effective radiated power limitations proposed by the Commission are critical -- not only to defining this service as primarily being a fixed video interactive service, but also to ensure that improvements to the system do not compromise the integrity of broadcast reception, which all commenters agree is essential and which is mandated under the rules.^{2/}

I. MOBILE RTUs SHOULD BE PERMITTED SUBJECT TO A 100 MILLIWATT EFFECTIVE RADIATED POWER LIMIT.

To minimize the potential for interference to television reception on channels 10 and 13, MSTV believes that mobile RTUs should be subject to a 100 milliwatt effective radiated power limitation. Such power limitations, in combination with a 5-seconds-per-hour duty cycle, have been

^{2/} 47 C.F.R. § 95.861 provides that IVDS systems must not cause harmful interference to television channel 13 reception.

demonstrated in field trials to protect against potential interference to channels 10 and 13.^{3/}

Although the Commission sought comment on whether the stricter 100 milliwatt ERP limitation should be imposed on fixed RTUs, as well as mobile RTUs, some commenters have taken this opportunity to propose relaxation of the current 20 watt ERP limitation for fixed RTUs. For example, some commenters propose relaxing power limitations for mobile RTUs outside of the Grade B contours of channel 13 stations.^{4/} Allowing higher power levels for RTUs in certain areas would be unduly risky, given the mobility of such units. High power mobile RTUs that may not pose interference concerns outside of the Grade B contours of channel 13 stations may move into regions in which interference would be a serious detriment.^{5/} Moreover, nothing in the record has been offered to support relaxing the ERP power levels. No commenter has cited any field tests or evidence that would demonstrate that higher power levels can be tolerated without causing interference to

^{3/} See EON Petition for Rule Making ("Petition"), RM-8476, filed on May 11, 1994, Public Notice released May 19, 1994, at 1, 4-5, 12 & n.15.

^{4/} See, e.g., Comments of Active Communications Partners, WT Docket No. 95-47, at 1-2 (June 26, 1995); Comments of Interactive Service Designs, WT Docket No. 95-47, at 1-2 (June 23, 1995); Comments of Tel/Logic, WT Docket No. 95-47, at 4-5 (June 15, 1995).

^{5/} See, e.g., Comments of Concepts to Operations, Inc., WT Docket No. 95-47, at 5 (noting that mobile operation may make it difficult for a licensee to respond to and rectify complaints) (June 26, 1995).

television reception on channels 10 and 13. Furthermore, with the soon-to-be inaugurated Advanced Television services within the broadcast bands, the potential for interference caused by these systems is not yet known. The Commission should therefore proceed with caution, since ATV reception may be more susceptible to interference from IVDS operations than existing NTSC signals.

Some commenters argue that imposing a 100 milliwatt limit on mobile RTUs may have anticompetitive consequences. Clearly competition is desirable in this market in order to provide a dynamic industry that serves the public. But interference to the public's television service should not be sacrificed in the name of competition. Moreover, there is no showing that competition cannot be achieved consistent with the 100 milliwatt ERP limit. At least three manufacturers state that they have the capability to meet the 100 milliwatt power restriction for mobile RTUs.^{6/}

^{6/} See Comments of EON Corporation, WT Docket No. 95-47, at 6 (June 23, 1995); Comments of ITV, Inc. and IVDS Affiliates, LLC, ("IALC"), WT Docket No. 95-47, at 4 (June 26, 1995); Comments of SEA, Inc., WT Docket No. 95-47, at 5 (June 26, 1995).

II. THE 5-SECONDS-PER-HOUR DUTY CYCLE LIMIT SHOULD BE RETAINED.

Although some commenters advocate relaxing the 5-seconds-per-hour duty cycle limit,^{1/} MSTV believes that the current duty cycle should be retained.

Specifically, the safeguards that currently exist in the rules^{8/} should not be compromised for two reasons: first, the duty cycle limit protects against the potential for interference to channels 10 and 13^{2/}; second, the duty cycle limit acts as a natural brake to prevent IVDS from abandoning its essential purpose which is to provide point-to-multipoint, multipoint-to-point interactive communications that are unlike PCS, paging and dispatch services. It should be recalled that allowing mobile IVDS services is in itself a departure. While mobile services offer an enhancement to IVDS, it is essential that IVDS remain primarily a fixed interactive subscriber service.

^{1/} See, e.g., Comments of Concepts to Operations, WT Docket No. 95-47, at 6-7 (June 26, 1995); Comments of Interactive Service Designs, WT Docket No. 95-47, at 3 (June 23, 1995); Comments of Tel/Logic, WT Docket No. 95-47, at 5-6 (June 15, 1995).

^{8/} See 47 C.F.R. § 95.863 ("The maximum duty cycle of each RTU shall not exceed 5 seconds per hour, or alternatively, not exceed one percent within any 100 millisecond interval.")

^{2/} See Comments of Radio Telecom & Technology, Inc., WT Docket No. 95-47, at 7 (June 26, 1995) (the 5-seconds-per-hour duty cycle limitation is "an important element of protection against TV interference.")

**III. DIRECT RTU-TO-RTU COMMUNICATIONS SHOULD BE PROHIBITED.
TYPES OF ANCILLARY SERVICE SHOULD REMAIN FLEXIBLE,
SUBJECT TO EXISTING SAFEGUARDS.**

Commenters appear to be split on the issue of whether direct RTU-to-RTU communications should be permitted.^{10/} MSTV supports the Commission's proposal to prohibit direct RTU-to-RTU transmission in favor of indirect RTU-to RTU interaction only. Control over the effective radiated power limits must be retained by the service provider; otherwise the protection they are intended to afford could be seriously eroded. Also, while MSTV believes that the 5-seconds-per-hour duty cycle and 100 milliwatt and 20 watt ERP limitations for mobile and fixed RTUs, respectively, must be mandated, the types of ancillary service that can be offered subject to these limitations should remain flexible.

^{10/} See Comments of Active Communication Partners, WT Docket No. 95-47, at 1 (arguing for mobile RTU-mobile RTU communications) (June 16, 1995); Comments of IVDS Licensees, WT Docket No. 95-47, at 6 (same) (June 26, 1995); Comments of Vega Group, WT Docket No. 95-47, at 2 (same) (June 26, 1995).

But see Comments of Concepts to Operations, Inc., WT Docket No. 95-47, at 7 (supporting adoption of "mobile relay" or "bent pipe" indirect RTU-RTU interaction only) (June 26, 1995); Comments of EON Corporation, WT Docket No. 95-47, at 3-4 (arguing against direct RTU-RTU communication) (June 23, 1995); Comments of ITV and IALC, WT Docket No. 95-47, at 2-3 & n.2 (same) (June 26, 1995); Comments of Interactive Service Designs, WT Docket No. 95-47, at 3 (same) (June 23, 1995).

CONCLUSION

MSTV believes that the enhancements to IVDS that are being proposed by the Commission are desirable provided that appropriate safeguards are adopted to ensure protection against undesired levels of television interference.

Respectfully submitted,

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